



Billing Code 9110-12-P

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

**44 CFR Part 64**

**Docket ID FEMA-2012-0003**

**[Internal Agency Docket No. FEMA-8225]**

**Suspension of Community Eligibility**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the Federal Register on a subsequent date.

**DATES:** The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the following tables.

**FOR FURTHER INFORMATION CONTACT:** If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Federal Insurance and Mitigation Administration, Federal

Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646-2953.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the Federal Register.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not

participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

#### **List of Subjects in 44 CFR Part 64**

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

#### **PART 64--[AMENDED]**

1. The authority citation for part 64 continues to read as follows:

**Authority:** 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

#### **§ 64.6 [Amended]**

2. The tables published under the authority of § 64.6 are amended as follows:

State and Location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current Effective Map Date	Date Certain Federal assistance no longer available in SFHAs
<b>Region II</b>				
New York: Barton, Town of, Tioga County.	360832	September 2, 1975, Emerg; June 15, 1982, Reg; April 17, 2012, Susp.	April 17, 2012	April 17, 2012
Berkshire, Town of, Tioga County.	361215	August 8, 1977, Emerg; May 15, 1985, Reg; April 17, 2012, Susp.	*-do-	-do-
Candor, Town of, Tioga County.	360833	July 30, 1976, Emerg; August 19, 1986, Reg; April 17, 2012, Susp.	-do-	-do-
Candor, Village of, Tioga County.	360834	July 21, 1975, Emerg; October 1, 1991, Reg; April 17, 2012, Susp.	-do-	-do-
Newark Valley, Town of, Tioga County.	360835	June 25, 1973, Emerg; February 3, 1982, Reg; April 17, 2012, Susp.	-do-	-do-
Newark Valley, Village of, Tioga County.	360836	September 2, 1976, Emerg; February 3, 1982, Reg; April 17, 2012, Susp.	-do-	-do-
Nichols, Town of, Tioga County.	360837	August 6, 1975, Emerg; February 17, 1982, Reg; April 17, 2012, Susp.	-do-	-do-
Nichols, Village of, Tioga County.	360838	September 2, 1976, Emerg; September 29, 1986, Reg; April 17, 2012, Susp.	-do-	-do-
Owego, Town of, Tioga County.	360839	December 29, 1972, Emerg; June 15, 1977, Reg; April 17, 2012, Susp.	-do-	-do-
Owego, Village of, Tioga County.	360840	December 22, 1972, Emerg; May 16, 1977, Reg; April 17, 2012, Susp.	-do-	-do-
Richford, Town of, Tioga County.	361216	August 10, 1976, Emerg; May 15, 1985, Reg; April 17, 2012, Susp.	-do-	-do-
Spencer, Town of, Tioga County.	360841	October 16, 1975, Emerg; May 15, 1985, Reg; April 17, 2012, Susp.	-do-	-do-
Spencer, Village of, Tioga County.	361471	December 16, 1976, Emerg; May 15, 1985, Reg; April 17, 2012, Susp.	-do-	-do-
Tioga, Town of, Tioga County.	360842	August 15, 1975, Emerg; May 17, 1982, Reg; April 17, 2012, Susp.	-do-	-do-
Waverly, Village of, Tioga County.	361343	June 27, 1974, Emerg; March 16, 1983, Reg; April 17, 2012, Susp.	-do-	-do-
<b>Region IV</b>				
Georgia: East Ellijay, City of, Gilmer County.	130089	July 3, 1975, Emerg; November 3, 1999, Reg; April 17, 2012, Susp.	-do-	-do-
Ellijay, City of, Gilmer County.	130090	April 22, 1975, Emerg; August 15, 1990, Reg; April 17, 2012, Susp.	-do-	-do-

<b>State and Location</b>	<b>Community No.</b>	<b>Effective date authorization/cancellation of sale of flood insurance in community</b>	<b>Current Effective Map Date</b>	<b>Date Certain Federal assistance no longer available in SFHAs</b>
Gilmer County, Unincorporated Areas.	130317	October 29, 1982, Emerg; August 15, 1990, Reg; April 17, 2012, Susp.	-do-	-do-
Tennessee: Gallatin, City of, Sumner County.	470185	May 27, 1975, Emerg; August 3, 1981, Reg; April 17, 2012, Susp.	-do-	-do-
Goodlettsville, City of, Sumner County.	470287	April 21, 1975, Emerg; June 15, 1981, Reg; April 17, 2012, Susp.	-do-	-do-
Hendersonville, City of, Sumner County.	470186	May 28, 1974, Emerg; November 4, 1981, Reg; April 17, 2012, Susp.	-do-	-do-
Millersville, City of, Sumner County.	470388	August 30, 1982, Emerg; June 15, 1984, Reg; April 17, 2012, Susp.	-do-	-do-
Portland, City of, Sumner County.	470187	February 14, 1975, Emerg; August 4, 1987, Reg; April 17, 2012, Susp.	-do-	-do-
Sumner County, Unincorporated Areas.	470349	August 5, 1975, Emerg; June 19, 1985, Reg; April 17, 2012, Susp.	-do-	-do-
Westmoreland, Town of, Sumner County.	470415	N/A, Emerg; May 19, 2005, Reg; April 17, 2012, Susp.	-do-	-do-
White House, City of, Sumner County.	470339	May 13, 1975, Emerg; June 1, 1988, Reg; April 17, 2012, Susp.	-do-	-do-
<b>Region V</b>				
Michigan: Grayling, City of, Crawford County.	260901	May 21, 1992, Emerg; June 25, 1992, Reg; April 17, 2012, Susp.	-do-	-do-
South Branch, Township of, Crawford County.	261021	May 6, 1998, Emerg; N/A, Reg; April 17, 2012, Susp.	-do-	-do-
Minnesota: Barnesville, City of, Clay County.	270078	May 2, 1974, Emerg; March 2, 1981, Reg; April 17, 2012, Susp.	-do-	-do-
Center City, City of, Chisago County.	270685	September 5, 1975, Emerg; January 28, 1983, Reg; April 17, 2012, Susp.	-do-	-do-
Chisago, City of, Chisago County.	270707	June 28, 1982, Emerg; January 7, 1983, Reg; April 17, 2012, Susp.	-do-	-do-
Chisago County, Unincorporated Areas.	270682	September 4, 1975, Emerg; April 18, 1983, Reg; April 17, 2012, Susp.	-do-	-do-
Clay County, Unincorporated Areas.	275235	August 7, 1970, Emerg; May 5, 1972, Reg; April 17, 2012, Susp.	-do-	-do-
Dilworth, City of, Clay County.	270080	March 20, 1974, Emerg; May 19, 1981, Reg; April 17, 2012, Susp.	-do-	-do-
Georgetown, City of, Clay County.	270082	March 20, 1975, Emerg; July 18, 1983, Reg; April 17, 2012, Susp.	-do-	-do-

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Glyndon, City of, Clay County.	270083	September 26, 1975, Emerg; March 2, 1981, Reg; April 17, 2012, Susp.	-do-	-do-
Hawley, City of, Clay County.	270084	April 22, 1974, Emerg; March 16, 1981, Reg; April 17, 2012, Susp.	-do-	-do-
Lindstrom, City of, Chisago County.	270683	September 4, 1975, Emerg; January 7, 1983, Reg; April 17, 2012, Susp.	-do-	-do-
Moorhead, City of, Clay County.	275244	March 19, 1971, Emerg; February 18, 1972, Reg; April 17, 2012, Susp.	-do-	-do-
North Branch, City of, Chisago County.	270072	September 15, 1987, Emerg; May 19, 1997, Reg; April 17, 2012, Susp.	-do-	-do-
Stacy, City of, Chisago County.	270074	October 8, 1975, Emerg; July 6, 1984, Reg; April 17, 2012, Susp.	-do-	-do-
Wyoming, City of, Chisago County.	270076	N/A, Emerg; August 30, 2010, Reg; April 17, 2012, Susp.	-do-	-do-
<b>Region VI</b>				
Arkansas: Russellville, City of, Pope County.	050178	July 17, 1970, Emerg; July 18, 1970, Reg; April 17, 2012, Susp.	-do-	-do-
Oklahoma: Bixby, City of, Wagoner County.	400207	March 6, 1974, Emerg; September 28, 1979, Reg; April 17, 2012, Susp.	-do-	-do-
Broken Arrow, City of, Wagoner County.	400236	November 27, 1974, Emerg; August 17, 1981, Reg; April 17, 2012, Susp.	-do-	-do-
Catoosa, City of, Wagoner County.	400185	January 8, 1976, Emerg; August 1, 1980, Reg; April 17, 2012, Susp.	-do-	-do-
Coweta, City of, Wagoner County.	400216	March 21, 1978, Emerg; September 18, 1986, Reg; April 17, 2012, Susp.	-do-	-do-
Okay, Town of, Wagoner County.	400217	July 8, 1977, Emerg; September 28, 1982, Reg; April 17, 2012, Susp.	-do-	-do-
Porter, Town of, Wagoner County.	400434	September 28, 1977, Emerg; January 26, 1983, Reg; April 17, 2012, Susp.	-do-	-do-
Red Bird, Town of, Wagoner County.	400321	October 21, 1976, Emerg; October 9, 1979, Reg; April 17, 2012, Susp.	-do-	-do-
Tulsa, City of, Wagoner County.	405381	November 20, 1970, Emerg; August 13, 1971, Reg; April 17, 2012, Susp.	-do-	-do-
Wagoner, City of, Wagoner County.	400219	January 14, 1976, Emerg; October 19, 1982, Reg; April 17, 2012, Susp.	-do-	-do-
Wagoner County, Unincorporated Areas.	400215	July 15, 1981, Emerg; December 2, 1988, Reg; April 17, 2012, Susp.	-do-	-do-

State and Location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current Effective Map Date	Date Certain Federal assistance no longer available in SFHAs
Texas: Emory, Town of, Rains County.	480977	September 13, 2002, Emerg; N/A, Reg; April 17, 2012, Susp.	-do-	-do-
Point, City of, Rains County.	481156	September 21, 1981, Emerg; April 17, 1985, Reg; April 17, 2012, Susp.	-do-	-do-
Rains County, Unincorporated Areas.	480975	January 15, 2003, Emerg; N/A, Reg; April 17, 2012, Susp.	-do-	-do-
<b>Region VIII</b>				
South Dakota: Deadwood, City of, Lawrence County.	460045	November 26, 1974, Emerg; February 3, 1982, Reg; April 17, 2012, Susp.	-do-	-do-
Lawrence County, Unincorporated Areas.	460094	April 30, 1974, Emerg; May 17, 1990, Reg; April 17, 2012, Susp.	-do-	-do-
Lead, City of, Lawrence County.	460190	September 20, 1999, Emerg; N/A, Reg; April 17, 2012, Susp.	-do-	-do-
Spearfish, City of, Lawrence County.	460046	October 30, 1974, Emerg; September 2, 1981, Reg; April 17, 2012, Susp.	-do-	-do-

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Code for reading third column: Emerg. —Emergency; Reg. —Regular; Susp. —Suspension.

Dated: March 27, 2012

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**David L. Miller**

Associate Administrator

Federal Insurance and Mitigation Administration

Department of Homeland Security

Federal Emergency Management Agency



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